

United States District Court
for the
Southern District of Florida

SHM LMC, LLC, Plaintiff,)
)
v.) Civil Action No. 23-61259-Civ-Scola
)
M/Y “Triumphant Lady,” *in rem*,)
Defendant.)

Order Adopting Magistrate Judge’s Report And Recommendation

The Plaintiff’s Motion for Default Final Judgment (ECF No. 21) was referred to United States Magistrate Judge Eduardo I. Sanchez for a report and recommendation. (ECF No. 23.) On September 4, 2023, Judge Sanchez issued a report, recommending that the Plaintiff’s motion be granted in part and denied in part. (R&R, ECF No. 26.) The parties have not filed objections to the report, and the time to do so has passed.

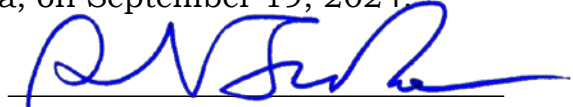
The Court has considered Judge Sanchez’s report, the record, and the relevant legal authorities. The Court finds Judge Sanchez’s report and recommendation cogent and compelling. The Court **affirms and adopts** Judge Sanchez’s report and recommendation (**ECF No. 26**). The Court **grants in part** and **denies in part** the Plaintiff’s Motion for Default Final Judgment.

It is hereby **ordered and adjudged** that final default judgment is entered in favor of the Plaintiff and against the Vessel on the Plaintiff’s claim to foreclose a maritime line. The Plaintiff is awarded damages against the Defendant Vessel in the amounts of \$42,115.78 in unpaid necessities; \$253,859.73 for *custodia legis* fees for the period between September 7, 2023, until February 1, 2024; ongoing *custodia legis* fees at a daily rate of \$1,172.14 for the period beginning on February 2, 2024, until the date of the sale of the Vessel; \$402.00 for costs; and pre-judgment interest at the average weekly rate under 28 U.S.C. § 1961 from August 1, 2023, until the date of the sale of the Vessel.

The U.S. Marshal is directed to sell the Defendant Vessel, M/Y Triumphant Lady, including her engines, tackle, furniture, furnishings, personal watercraft, tenders, and appurtenances, at public auction—free and clear of all liens and encumbrances—at the first available time and date, in accordance with Supplemental Rule E of the Supplemental Admiralty Rules. The Plaintiff shall be permitted to credit bid its final judgment at the sale of the defendant Vessel.

The Plaintiff's Motion for Status Conference (**ECF No. 25**) is therefore mooted. The clerk is directed to **administratively close** this case.

Done and ordered, at Miami, Florida, on September 19, 2024.

A handwritten signature in blue ink, appearing to read 'R. N. Scola, Jr.', is written over a horizontal line.

Robert N. Scola, Jr.

United States District Judge